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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,529	09/12/2003	Louis Borgeat	16046-1US-2 IC/DP/mft	5310

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EXAMINER


ARK, DARREN W

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)	
	10/660,529	BORGEAT, LOUIS	
	Examiner	Art Unit	
	Darren W. Ark	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 11, the further recitation of the structure of the fly rod renders the claim vague and indefinite since claim 10 merely sets forth "A kit for mounting a reel to a fly fishing rod having a rod shaft" in the preamble and does not positively recite the fishing rod as part of the desired invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country; more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-13, 16-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Axelsson 3,175,323.

Axelsson discloses a fly fishing rod (structure of the rod is not being particularly claimed) including a rod shaft (44) and a handgrip (intermediate portion of 44 to left of

Art Unit: 3643

27, 29), a hollow cylindrical reel seat (13, 14, 19; reel seat not particularly claimed), a rod shaft (44) with a portion extending past the handgrip (right end of 44; closer to the end of 44 inserted into 29) and distanced rearwardly from the handgrip (see Fig. 2), a sleeve like adapter (28) formed with an engaging locking means (37), the reel seat (14) being slidable over the adapter and formed with an engageable member (34) arranged to be engaged by the engaging locking means (37) for connecting the reel seat to the handgrip (see Figs. 1, 2) and to be removed therefrom by disengaging the engageable member from the engaging locking means (via 36).

In regard to claims 6-8 and 16-18, Axelsson discloses handle means (11, 36, or 43) which is wing shaped (11 and 43 extend in a cantilevered manner).

In regard to claims 9 and 19, Axelsson discloses at least one adherence device (longitudinal slots in 28 as shown in Figs. 1, 2, & 4).

In regard to claim 10, Axelsson discloses a sleeve-like adapter (28) and having an engaging locking means (37); a reel seat (13, 14, 19) with an engageable member (34).

In regard to claim 20, Axelsson discloses a rod shaft (44); a handgrip (intermediate portion of 44 to the left of 27, 29), a portion of the shaft extending past the handgrip (right end of 44), a sleeve-like adapter (28) with engaging locking means (37); a hollow cylindrical reel seat (13, 14, 19) with an engageable member (34).

5. Claims 1-6, 9-16, 19, 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Casset 4,133,133.

Art Unit: 3643

In regard to claims 1 and 20, Casset discloses a fly fishing rod (structure of the rod is not being particularly claimed) including a handgrip (intermediate portion of 10 to the right of 2, 6, 18), a hollow cylindrical reel seat (13; reel seat not particularly claimed), a rod shaft (10) with a portion extending past the handgrip (portion of 10 to the right of 8 and inside the reel seat), a sleeve like adapter (1) formed with an engaging locking means (4, 5), the reel seat (13) being slidable over the adapter and formed with an engageable member (36 in Fig. 2) arranged to be engaged by the engaging locking means (5) for connecting the reel seat to the handgrip (see Fig. 2) and to be removed therefrom by disengaging the engageable member from the engaging locking means (when 36 is taken out of 5); a handle means (any portion of 13 which may be grasped to manipulate the position of 13 and 36 relative to 5).

In regard to claims 4 and 14, Casset discloses the groove having longitudinal and transversal portions (see straight portion of 5 extending along 10 and the round portion which extends in a transverse direction from the straight portion).

In regard to claims 9 and 19, Casset discloses at least one adherence device (17, 30, 31).

In regard to claim 10, Casset discloses a sleeve-like adapter (1) with engaging locking means (4, 5); a reel seat (13) with an engageable member (36).

Response to Arguments

6. Applicant's arguments filed 12/20/2004 have been fully considered but they are not persuasive.

In regard to applicant's argument that "Axelsson...the securing mechanism simultaneously releases the rod shaft from the handgrip...", the Examiner contends that the manner of operation of the Axelsson device is not the issue at hand, instead the issue at hand is how exactly applicant's claims recite the necessary structure that defines the desired invention over the Axelsson's structure.

In regard to applicant's argument that "Casset...no handgrip or handle shown or disclosed....these types of reels are typically mounted frontwardly to the handgrip...", the Examiner contends that the structure of the rod shaft and handgrip have not been particularly recited in order to define over the structure of Casset in that the handgrip can be any structure which is capable of being grasped by the user to manipulate the rod. Furthermore, the operation of the Casset device is not the issue at hand, instead the issue at hand is whether the claims of the desired invention define over the structure as disclosed by Casset.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


Art Unit: 3643

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Darren W. Ark
Primary Examiner
Art Unit 3643

DWA